

CURTIS G. OLER (Bar No. 63689)
LAW OFFICES OF CURTIS G. OLER
Post Office Box 15083
San Francisco, California 94115
Telephone: 415 346-8015
Facsimile: 415 346-8238

Attorney for Plaintiff

FILED
07 JUN -8 PM 3:22
RICHARD W. WIERING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-Filing

EDL

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

C 07 3006

SUSIE ABRAM,

Plaintiff,

vs.

CITY AND COUNTY OF SAN
FRANCISCO, DEPARTMENT
OF PUBLIC HEALTH; WILLIAM
FRAZIER, DIRECTOR OF
THERAPEUTIC ACTIVITIES, LAGUNA
HONDA HOSPITAL,

Defendants.

Case No. _____

COMPLAINT FOR DECLARATORY
RELIEF, INJUNCTIVE RELIEF AND
DAMAGES

DEMAND FOR JURY TRIAL

42 U.S.C. 1981

Plaintiff, SUSIE ABRAM, files this Complaint and complains of the named Defendants,
and each of them, jointly and severally, and for causes of action, alleges as follows:

I

JURISDICTION

1. Jurisdiction of this Court is invoked pursuant to the provisions of 28 U.S.C. Section

1331 to enforce the provisions of 42 U.S.C. 1981 which guarantees, among other things that all persons shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence and to the full and equal property as is enjoyed by white citizens.

II

VENUE

2. Venue is proper in the Northern District of California.

III

PARTIES

3. Plaintiff, SUSIE ABRAM, is a former employee of Defendant City and County of San Francisco, Department of Public Health, Laguna Honda Hospital.

4. Defendant, CITY AND COUNTY OF SAN FRANCISCO, was, and at all times relevant hereto, has been a political subdivision of the State of California. Said Defendant owns, operates and maintains the LAGUNA HONDA HOSPITAL, at San Francisco, California, operated by the Department of Public Health, an agency of said City and County.

5. Defendant WILLIAM FRAZIER, is and at all times relevant hereto, has been the Director of Therapeutic Activities at LAGUNA HONDA HOSPITAL.

IV

STATEMENT OF CLAIM

6. Plaintiff was employed by said Department of Public Health as a Health Worker III 2587 at LAGUNA HONDA HOSPITAL as an Activity Therapy employee. Plaintiff was employed at Laguna Honda Hospital from April 4, 1982 until on or about June 24, 2004. Shortly thereafter, Plaintiff was compelled to officially resign from said position.

7. At all times during her entire tenure, Plaintiff performed all of her assigned and related duties in an excellent fashion.

8. Notwithstanding, said Defendants during said employment, continuously subjected Plaintiff to a pattern and practice of unlawful discriminatory employment practices which

1 included, but were not limited to:

- 2 a) false performance evaluations;
- 3 b) unwarranted threats of disciplinary actions;
- 4 c) unwarranted disciplinary actions;
- 5 d) humiliation;
- 6 e) unwarranted close scrutiny;
- 7 f) continuing harassment; and
- 8 g) continuing hostility;

9 9. Said actions and conduct were taken against Plaintiff because of her race, color and
10 national origin (African American - Black) and in retaliation against her for her continuing
11 protests of such discriminatory conduct in violation of the Provisions of 42 U. S. Code Section
12 1981.

13 10. As a result of said actions and conduct, Plaintiff was forced to leave her said
14 employment in June, 2005, and was shortly thereafter compelled to formally resign said
15 employment.

16 11. As a direct result of the acts and conduct of Defendants, as alleged herein, Plaintiff
17 has suffered loss of and continues to suffer substantial loss of earnings and related employment
18 benefits in an amount to be proven at trial herein.

19 12. In doing the acts and in engaging in the conduct herein alleged, Defendants intended
20 to and did vex, harass, annoy and cause Plaintiff to suffer and continue to suffer severe emotional
21 distress for which Plaintiff has been compelled to seek and continue medical care and incur
22 medical expenses therefor.

23 V.

24 PRAYER FOR RELIEF

25 WHEREFORE, Plaintiff prays judgment against Defendant as follows:

26 (A) Grant Plaintiff a declaratory judgment that Defendants have violated Plaintiff's rights
27

as guaranteed by, 42 U.S.C. Section 1981 in committing the acts and in engaging in the conduct complained of herein;

(B) Award Plaintiff damages for all earnings lost, including future earnings loss and for loss of related employment benefits;

(C) Award Plaintiff damages for lost career and employment opportunities;

(D) Order that all negative material be removed from Plaintiff's personnel file or any other files or records maintained in connection with Plaintiff's employment;

(E) Award Plaintiff damages for severe psychological harm in an amount to be proven at trial;

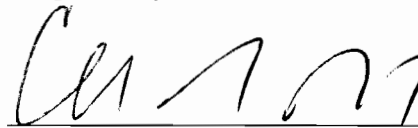
(F) Award Plaintiff costs of suit;

(G) Grant Plaintiff reasonable attorney's fees; and

(H) Grant Plaintiff such other and future relief as the Court may deem proper and just.

Dated: June 8, 2007

Respectfully submitted.



CURTIS G. OLER
Attorney for Plaintiff